IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.92 OF 2000

1. Deputy Collector (Dev) and]
   Land Acquisition Officer,
   Panaji, and

2. The Chief Town Planner,
   Town & Country Planning
   Department, Panaji, ... Appellants.

Versus

Shri Clovis Sequeira Vaz (deceased), r/o 12-B, Jolly Maker Appts. 1, Cuffe Parade, Bombay 400 005, represented through his legal heirs:-

a) Mrs. Jeremia Sequeira Vaz,
   major, Indian National,
   housewife,

b) Mr. Charles Sequeira Vaz,
   major, Indian National,

c) Mr. Lioyd Sequeira Vaz,
   major, Indian National,
   all r/o B-12, Jolly Maker,
   Cuffe Parade, Mumbai. ... Respondents.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the appellants.

Mr. M. B. Da Costa, Senior Advocate with Mr. J.A. Lobo, advocate for the respondents.

CORAM : R. M. LODHA &
N. A. BRITTO, JJ.

DATE : 5th September, 2005.

ORAL JUDGMENT (Per R. M. LODHA, J.)

On 23rd August, 2005, we passed the following Order:-

"The learned Advocate General submits that he has moved the Government for settlement of this appeal by payment of compensation to the expropriated owners at the rate of Rs.200/- per sq.m.

Mr. D'Costa, learned counsel on behalf of the respondents, submits that the respondents are agreeable for the compensation at the rate of Rs.200/- per sq. m. As prayed by the Advocate General, hearing of the appeal is adjourned for two weeks to enable him to seek complete instructions from the Government.

S. O. for two weeks."

2. Today, the learned Advocate General submits that the State Government is agreeable that the compensation of the subject land that has been compulsorily acquired be fixed at Rs.200/- per sq. mt. This is acceptable to the learned Senior Counsel for the respondents.

3. The Judgment and Award passed by the Additional

District Judge, Panaji is modified accordingly.

4. The entitlement of solatium on the value of the land shall be calculated at the rate fixed at Rs.200/- per sq. mt. The award of 12% interest per annum as directed by the Additional District Judge, Panaji, for the period commencing from 19th February, 1982 to the date of the Award or the date of taking possession of the land, whichever is earlier, is maintained. The award of interest under Section 28 of the Land Acquisition Act, 1894, as directed by the Additional District Judge, Panaji, is also maintained.

5. The Registrar of this Court is directed to make necessary calculation of the compensation, solatium and the interest payable to the respondents as aforedirected and make the payment to the respondents out of the amount deposited by the appellants. The remaining amount shall be refunded to the appellants.

6. The parties shall be paid proportionate interest accured on the investment made by the registry.

7. No costs.

R. M. LODHA, J.

N. A. BRITTO, J.

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